

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

***Return Date: December 3, 2015***  
***Time: 9:30 a.m.***

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In re:

MARIE NAZAIRE AKA  
MARIE NAZAIRE CHATELAIN

Chapter 13  
Case No.: 815-74090-736

Debtor(s)

**NOTICE OF MOTION**

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SIRS / MADAMS

**PLEASE TAKE NOTICE**, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge on the 3<sup>rd</sup> day of DECEMBER, 2015 at 9:30 a.m., at the United States Bankruptcy Court located at the Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to provide and/or file documents, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Melville, New York  
November 16, 2015

Yours, etc.

MICHAEL J. MACCO  
Chapter 13 Trustee  
135 Pinelawn Road, Suite 120 South  
Melville, New York 11747  
(631) 549-7900

To: *Office of the United States Trustee*  
*Marie Nazaire*  
*Ronald D. Weiss, Esq., Attorney for Debtor(s)*  
*Bayview Loan Servicing, LLC, Creditor*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

MARIE NAZAIRE AKA  
MARIE NAZAIRE CHATELAIN

Chapter 13  
Case No.: 815-74090-736

Debtor(s)

**APPLICATION**

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TO THE HONORABLE ROBERT E. GROSSMAN, UNITED STATES BANKRUPTCY  
JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate,  
respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on  
September 25, 2015, and thereafter MICHAEL J. MACCO was duly appointed and has qualified  
as Trustee.

2. As of the date of this motion, the debtor(s) has failed to provide the Trustee with  
copies of 2013 & 2014 State and Federal Tax Returns; written appraisals for both properties ;  
copies of 2014 Corporate State and Federal Tax Returns; list of business assets and their fair  
market value including aging accounts receivable; corporate operating reports with bank  
statements and proof of tax deposits; an amended Chapter 13 Plan; amended Schedules I & J;  
utility bills for the month of October including gas/oil, water, telephone, electric, and cable; 2011  
through 2014 tax transcripts; bank statements from all other accounts from March 1, 2015  
through September 30, 2015 all pages; bank statements from Chase account 4799 from August  
27, 2015 through September 30, 2015 all pages; bank statements from Chase account 5056 from  
September 1, 2015 through September 30, 2015 all pages; proof of post-petition mortgage  
payments being made on both properties; proof of monthly segregation of income taxes into a  
separate account; an amended means test; a written assignment of debtor's judgment/tenant  
action acknowledged by an attorney; and contract of sale on Queens property.

3. This is a material default and is prejudicial to the rights of the creditors of the  
debtor(s).

**WHEREFORE**, the Trustee prays for an Order pursuant to the provisions of 11  
U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court  
deems just and proper.

Dated: Melville, New York  
November 16, 2015

/s/ Michael J. Macco

Michael J. Macco, Chapter 13 Trustee  
135 Pinelawn Road – Suite 120 South  
Melville, New York 11747  
(631) 549-7900

STATE OF NEW YORK     )  
COUNTY OF SUFFOLK    )     ss.:

LONI BRAGIN, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On November 16, 2015, deponent served the within:

**NOTICE OF MOTION AND APPLICATION**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee  
U.S. Bankruptcy Court  
Alfonse M. D'Amato U.S. Courthouse  
560 Federal Plaza  
Central Islip, NY 11722*

*Marie Nazaire  
135 Old East Neck Road  
Melville, NY 11747*

*Ronald D. Weiss, Esq.  
Attorney for Debtor(s)  
734 Walt Whitman Road, Ste. 203  
Melville, NY 11747*

*Bayview Loan Servicing, LLC  
c/o Barclay Damon, LLP  
1 Park Place  
300 South State Street  
Syracuse, NY 13202*

**/s/ Loni Bragin**  
LONI BRAGIN

Sworn to before me this  
16<sup>th</sup> day of NOVEMBER, 2015

**/s/ Janine M. Zarrilli**  
NOTARY PUBLIC  
Janine M. Zarrilli  
Notary Public, State of New York  
No. 01ZA5084708  
Qualified in Nassau County  
Commission Expires September 8, 2017